



PTO/SB/21 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/029,123

Filing Date

12-19-2001

First Named Inventor

Moise Gaspard, et al.

Art Unit

2666

Examiner Name

Tran, Phuc H

Attorney Docket Number

1400.1374880

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Receipt Postcard, Copy of Receipt
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Postcard Showing Receipt of Reply, Copy of
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Certificate of Mailing of Reply
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ross D. Snyder & Associates, Inc.		
Signature			
Printed name	Ross D. Snyder		
Date	09-20-2006	Reg. No.	37,730

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Ross D. Snyder, Reg. No. 37,730	Date	09-20-2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

DAC
ZFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Moise Gaspard, et al.

Title: METHOD AND APPARATUS FOR AUTOMATIC DISCOVERY OF
LOGICAL LINKS BETWEEN NETWORK DEVICES

App. No.: 10/029,123

Filed: 12-19-2001

Examiner: Tran, Phuc H

Group Art Unit: 2666

Atty. Dkt. No. 1400.1374880

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.181(a) and MPEP § 711.03(c), Applicant petitions the Director to withdraw the holding of abandonment based on evidence that a reply was timely mailed or filed.

MPEP § 711.03(c) states, in part, "applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed" and further states, "For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment." Applicant submits herewith a copy of such a postcard receipt showing receipt of the timely-filed reply by the Patent and Trademark Office on March 13, 2006.

Moreover, Applicant notes the reply was scanned by the Office and is accessible via the private PAIR system, with the private PAIR system also showing a receipt date of March 13, 2006. Applicant further notes the certificate of mailing under 37 C.F.R. § 1.8 included with the reply shows a date of mailing of March 7, 2006, which Applicant notes is within the statutory reply period for the Office

action. Applicant notes the certificate of mailing is also accessible via the private PAIR system, and Applicant encloses a copy herewith.

Applicant notes the Notice of Abandonment dated March 16, 2006, states "No reply has been received." As Applicant submits the Office's records show the receipt of a timely mailed reply on March 13, 2006, Applicant submits the stated basis for issuing the Notice of Abandonment is false. Thus, Applicant submits the holding of abandonment should properly be withdrawn.


Applicant submits Applicant has not intentionally delayed the filing of this petition to withdraw the holding of abandonment. Thus, Applicant submits, as the present application was filed on or after May 29, 2000, pursuant to MPEP § 711.03(c), the Office should not dismiss this petition as untimely.

Pursuant to MPEP § 711.03(c), "such petition does not require a fee." However, should the Director determine that a fee is required, the Director is hereby authorized to charge any appropriate fee to Deposit Account No. 50-1566.

Respectfully submitted,

Date

09/20/2006



Ross D. Snyder, Reg. No. 37,730
Attorney for Applicant(s)
Ross D. Snyder & Associates, Inc.
PO Box 164075
Austin, Texas 78716-4075
(512) 347-9223 (phone)
(512) 347-9224 (fax)

COPY

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Applicant: Moise Gaspard, et al.
Appl. No.: 10/029,123 Art Group: 2666
Filing Date: 12-19-2001 Atty Docket No.: 1400.1374880
Title: **METHOD AND APPARATUS FOR AUTOMATIC
DISCOVERY OF LOGICAL LINKS BETWEEN
NETWORK DEVICES**

Attached please find:

- ☒ Transmittal Form (1 pg.)
- ☒ Fee Transmittal w/Check #2757 (2 pgs.)
- ☒ Response/Amendment to Non-Final Office Action (18 pgs.)
- ☒ 6 Sheets of Drawings (6 pgs.)
- ☒ Petition for Extension of Time (1 pg.)
- ☒ Return Receipt Postcard (1 pg.)

Date: 03-07-2006

Atty/Sec: RDS/tla

